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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,939	01/10/2006	Frank-Uwe Andersen	1454.1663	3319
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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER MEJIA, ANTHONY	
			ART UNIT 2451	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,939

Applicant(s)

ANDERSEN ET AL.

Examiner

ANTHONY MEJIA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. Acknowledgement is made that Claims 1-10 have been cancelled and Claims 11-26 are pending and are now currently being presented.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. DE 103 31 395.2 (PCT/EP04/51297), filed on 30 June 2004.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-13, 18-19, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizell et al. (US 2003/0125013) in further view of AAPA ("Applicant's Admitted Prior Art") and in further view of Feltn et al. (US 2003/0126245).

Regarding Claim 11, Mizell teaches a communications system comprising:

a fixed-network communication network (data network 60, par [0031]);

a mobile radio communication network (MTS 100, par [0026]);

a mobile radio network/fixed network interface computer (GGSN 30) which is connected to the fixed- network communication network and to the mobile

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radio communication network for mapping a data stream between the fixed-network communication network and the mobile radio communication network (pars [0003], [0031], [0036], [0038], and [0048]); and

a peer-to-peer message filter (filter 33), provided in the mobile radio communication network, the peer-to-peer message filter being supplied with peer-to-peer messages from the mobile radio communication network, the peer-to-peer message filter detecting the peer-to-peer messages (pars [0036], [0039], and [0045]).

Mizell does not explicitly teach a superpeer host computer which is connected to the mobile radio network/fixed network interface computer.

However, AAPA in a similar field of endeavor including wherein discloses a method of operating a computing device wherein a superpeer host computer which is connected to the mobile radio network/fixed network interface computer (e.g., this "well known" feature is disclosed in pars [0002-0012], of Applicant's Publication US 2006/0161670).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Mizell with the teachings of AAPA to implement a peer in a peer-to-peer network that is superior to the other peers in terms of performance and specification. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Mizell and AAPA to help minimize problems that occur in relation to performance and scaling during the location and distribution of content to the computers connected via the fixed communication network (AAPA: par [0003])

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The combined teachings of Mizell and AAPA do not explicitly teach wherein the messages are being supplied to the superpeer host computer.

However, Feltin in a similar field of endeavor discloses a method of operating a computing device wherein said device is adapted to perform a supervisory and/or supporting role in relation to peers in a peer-to-peer network including wherein the messages are being supplied to the superpeer host computer (pars [0088-0098], [0170-0178], and [0200-0215]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Mizell/AAPA with the teachings of Feltin to have a peer available on the network that is able to have some or all of the server functionalities in servicing peer-to-peer services. One of ordinary skill in the art would have been motivated to combine all of the teachings of Mizell/AAPA/Feltin to have a peer to act as a memory bank for the network (Feltin: par [0200]).

Regarding Claim 12, the combined teachings of ** teach the communication system according to claim 11 as discussed above. The combined teachings of Mizell/AAPA/Feltin further teach wherein the fixed-network communication network operates based on an Internet protocol (Mizell: par [0031]).

Regarding Claim 13, the combined teachings of Mizell/AAPA/Feltin teach the communication system according to claim 11 as discussed above. The

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combined teachings of Mizell/AAPA/Feltin further teaches wherein the superpeer host computer is part of the mobile radio communication network (AAPA: e.g., this "well known" feature is disclosed in pars [0002-0012], of Applicant's Publication US 2006/0161670).

Regarding Claim 18, the combined teachings of Mizell/AAPA/Feltin teach the communication system according to claim 11 as discussed above. The combined teachings of Mizell/AAPA/Feltin further teach wherein an installation mechanism to trigger (it is an inherent property to one of ordinary skill in the art at time the invention was made, that some automatic mechanism must be initiated in order to download frequently requested services) installation of peer-to-peer service in the superpeer computer when the frequency of demand for the peer-to-peer service reaches a threshold value (Mizell: par [0018]).

Regarding Claim 19, the combined teachings of Mizell/AAPA/Feltin teach the communication system according to claim 12 as discussed above. The combined teachings of Mizell/AAPA/Feltin further teach wherein the superpeer host computer is part of the mobile radio communication network (AAPA: e.g., this "well known" feature is disclosed in pars [0002-0012], of Applicant's Publication US 2006/0161670).

Regarding Claim 26, Mizell teaches a method for processing a peer-to-peer message in a communication system comprising:

detecting a mobile radio peer-to-peer message with a computer comprising a peer-to-peer message filter disposed in a mobile radio communication network (pars [0036], [0039], and [0045]);

mapping the mobile radio peer-to-peer message to a protocol used in a fixed network (pars [0003], [0031], [0036], [0038], and [0048]). Mizell does not explicitly teach the step of transmitting the mobile radio peer-to-peer message to a superpeer computer connected to a mobile radio network/fixed network interface computer.

However, AAPA in a similar field of endeavor including wherein discloses a method of operating a computing device including the step of:

transmitting the mobile radio peer-to-peer message to a superpeer computer connected to a mobile radio network/fixed network interface computer (e.g., this "well known" feature is disclosed in pars [0002-0012], of Applicant's Publication US 2006/0161670).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Mizell with the teachings of AAPA to implement a peer in a peer-to-peer network that is superior to the other peers in terms of performance and specification. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Mizell and AAPA to help minimize problems that occur in relation to performance and scaling during the location and distribution of content to the computers connected via the fixed communication network (AAPA: par [0003]).

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The combined teachings of Mizell and AAPA do not explicitly teach the step of processing the mobile radio peer-to-peer message by the superpeer computer.

However, Feltin in a similar field of endeavor discloses a method of operating a computing device wherein said device is adapted to perform a supervisory and/or supporting role in relation to peers in a peer-to-peer network including the step of processing the mobile radio peer-to-peer message by the superpeer computer (pars [0088-0098], [0170-0178], and [0200-0215]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Mizell with the teachings of Feltin to have a peer available on the network that is able to have some or all of the server functionalities in servicing peer-to-peer services. One of ordinary skill in the art would have been motivated to combine all of the teachings of Mizell/Feltin to have a peer to act as a memory bank for the network (Feltin: par [0200]).

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizell and in further view of Feltin.

Regarding Claim 25, Mizell teaches a computer (GGSN 30) for peer-to-peer message communication between a mobile radio network (MTS 100, par [0026]) and a fixed network communication network (data network 60, par [0031]), comprising:

a peer-to-peer message filter (filter 33) to receive peer-to-peer messages from the mobile radio communication network (pars [0003], [0031], [0036], [0038], and [0048]); and

mapping means (GGSN 30) to map peer-to-peer messages between the mobile radio network and the fixed network communication network (pars [0003], [0031], [0036], [0038], and [0048]) and detecting the messages (pars [0036], [0039], and [0045]).

Mizell does not explicitly teach the step of supplying the messages to a superpeer computer.

However, Feltin in a similar field of endeavor discloses a method of operating a computing device wherein said device is adapted to perform a supervisory and/or supporting role in relation to peers in a peer-to-peer network including the step of supplying the messages to a superpeer computer (pars [0088-0098], [0170-0178], and [0200-0215]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Mizell with the teachings of Feltin to have a peer available on the network that is able to have some or all of the server functionalities in servicing peer-to-peer services. One of ordinary skill in the art would have been motivated to combine all of the teachings of Mizell/Feltin to have a peer to act as a memory bank for the network (Feltin: par [0200]).

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4. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizell in further view of AAPA in further view of Feltin and in further view of Kiss et al. (US 2008/0059595) (referred herein after as Kiss).

Regarding Claims 14, the combined teachings of Mizell/AAPA/Feltin teach the communication system according to claim 11 as discussed above. The combined teachings of Mizell/AAPA/Feltin do not explicitly teach wherein the mobile radio communication network is a third- or subsequent-generation mobile radio system.

However, Kiss in a similar field of endeavor discloses a method and device for messaging including wherein a mobile radio communication network is based on a mobile radio system of the third or a succeeding generation (par [0095]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Kiss in the Mizell/AAPA/Feltin system in order to implement the third generation of mobile communication standards into the system. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Mizell/AAPA/Feltin and Kiss to achieve a wider range of more advanced services while achieving greater network capacity for the users of the system.

Regarding Claim 15, the combined teachings of Mizell/AAPA/Feltin and Kiss teach the communication system according to claim 14 as discussed above.

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The combined teachings of Mizell/AAPA/Feltin and Kiss further teach wherein the mobile radio communication network operates according to one of the following mobile radio communication platforms:

Universal Mobile Telecommunications System (UMTS), and Future Public Land Mobile Telephone System (FPLMTS) (Kiss: par [0095]).

Regarding Claim 16, the combined teachings of Mizell/AAPA/Feltin and Kiss teach the communication system according to claim 11 as discussed above. The combined teachings of Mizell/AAPA/Feltin and Kiss further teach wherein the mobile radio communication network operates in accordance with Groupe Speciale Mobile (GSM) platform (Kiss: par [0095]).

12. Claims 17, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizell in further view of AAPA in further view of Feltin and in further view of Kiss and in further view of Minborg (US 6,977,909).

Regarding Claim 17, the combined teachings of Mizell/AAPA/Feltin and Kiss teach the communication system according to claim 15 as discussed above. The combined teachings of Mizell/AAPA/Feltin and Kiss further teach wherein the mobile radio communication network operates based on the Universal Mobile Telecommunications System (UMTS) platform (Kiss: par [0095]). The combined teachings of Mizell/AAPA/Feltin and Kiss do not explicitly teach wherein the

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mobile radio network/fixed network interface computer is a Gateway GPRS Support Node (GGSN) computer.

However, Minborg in a similar field of endeavor discloses a method and apparatus for exchange of information in a communication network including wherein a mobile radio network-fixed network interface computer is a Gateway GPRS Support Node Computer (col.4, lines 65-67, col.5, lines 1-6, and see fig.1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Minborg in the Mizell/AAPA/Feltin/Kiss system in order to implement the mobility of GPRS technology into the system, and added available valued services associated with GGSN. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Mizell/AAPA/Feltin/Kiss and Minborg to enhance the stability and scalability of the system for its users.

Regarding Claim 20, Kiss further teaches wherein the mobile radio communication network is a third- or subsequent-generation mobile radio system (Kiss: par [0095]).

Regarding Claim 21, the combined teachings of Mizell/AAPA/Feltin and Kiss teach the communication system according to claim 20 as discussed above. The combined teachings of Mizell/AAPA/Feltin and Kiss further teach wherein the

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mobile radio communication network operates according to one of the following mobile radio communication platforms:

Universal Mobile Telecommunications System (UMTS) (Kiss: par [0095]),
and
Future Public Land Mobile Telephone System (FPLMTS) (Kiss: par [0095]).

Regarding Claim 22, the combined teachings of Mizell/AAPA/Feltin and Kiss further teach the communication system according to claim 19 as discussed above. The combined teachings of Mizell/AAPA/Feltin and Kiss further teach wherein the mobile radio communication network operates in accordance with Groupe Speciale Mobile (GSM) platform (Kiss: par [0095]).

13. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizell in further view of AAPA in further view of Feltin and in further view of Kiss and in further view of Minborg.

Regarding Claim 23, the combined teachings of Mizell/AAPA/Feltin and Kiss teach the communication system according to claim 21 as discussed above. The combined teachings of Mizell/AAPA/Feltin and Kiss further teach wherein the mobile radio communication network operates based on the Universal Mobile Telecommunications System (UMTS) platform (Kiss: par [0095]). The combined teachings of Mizell/AAPA/Feltin and Kiss do not explicitly teach wherein the

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mobile radio network/fixed network interface computer is a Gateway GPRS Support Node (GGSN) computer.

However, Minborg in a similar field of endeavor discloses a method and apparatus for exchange of information in a communication network including wherein a mobile radio network-fixed network interface computer is a Gateway GPRS Support Node Computer (col.4, lines 65-67, col.5, lines 1-6, and see fig.1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Minborg in the Mizell/AAPA/Feltin/Kiss system in order to implement the mobility of GPRS technology into the system, and added available valued services associated with GGSN. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Mizell/AAPA/Feltin/Kiss and Minborg to enhance the stability and scalability of the system for its users.

Regarding Claim 24, the combined teachings of Mizell/AAPA/Feltin/Kiss/Minborg teach the communication system according to claim 23 as discussed above. Matsubara further teaches wherein an installation mechanism to trigger (it is an inherent property to one of ordinary skill in the art at time the invention was made, that some automatic mechanism must be initiated in order to download frequently requested services) installation of peer-to-peer service in the superpeer computer when the frequency of demand for the peer-to-peer service reaches a threshold value.

Response to Arguments

14. Applicant's arguments, see pages 5-9, filed 28 October 2008, with respect to the rejection(s) of claim(s) 11-13, 18-19, and 25-26 were rejected under 102 (e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly discovered references discussed above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY MEJIA whose telephone number is (571)270-3630. The examiner can normally be reached on Mon-Thur 9:30AM-8:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

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(toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mejia, Anthony/
Patent Examiner

/Salad Abdullahi/

Primary Examiner, Art Unit 2457